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October 27, 2010

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation, Rules and Regulations Implementing the  
Telephone Consumer Protection Act of 1991, CG Docket No. 02-278*

Dear Ms. Dortch:

On October 26, 2010, the undersigned and representatives of Bank of America, N.A. ("Bank of America") met with Kurt Schroeder and Karen Johnson of the Consumer and Governmental Affairs Bureau. Bank of America was represented at the meeting by James T. Rau and Yvette Bohanon, with Charmaine Klein and Lynn Armbrust of Bank of America joining by telephone.

The participants discussed Bank of America's concerns with the proposed requirement of prior written consent for the placing of automated, non-telemarketing calls to mobile devices, and specifically with the potential impact of such a rule on Bank of America's efforts to use mobile messaging in support of convenient, high-value customer services.

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If there are any questions concerning this matter, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Charles H. Kennedy

Charles H. Kennedy

*Counsel for Bank of America*

cc: Kurt Schroeder  
Karen Johnson